



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/714,018

11/16/2000

Harry Thomas Kloor

18822-11

5553

34205

7590

05/02/2012

OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

05/02/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARRY THOMAS KLOOR

Appeal 2010-001920
Application 09/714,018
Technology Center 3600

Before: ANTON W. FETTING, JOSEPH A. FISCHETTI, and
BIBHU R. MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant seeks our review under 35 U.S.C. § 134 (2002) of claims 18-28, 30-48, and 51-57, which are all the claims pending in the application and which have been twice-rejected. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We AFFIRM-IN-PART.

THE INVENTION

The Appellant's claimed invention is directed to a credit card system for providing an Authorization agent that communicates with the rightful owner of the credit card for its approval before completing the transaction (Specification 1:9-11). Claim 18, with the numbering in brackets added, is illustrative of the claimed subject matter:

18. A method for allowing only an owner to approve of a transaction, comprising:

acquiring a contact information that is unique to an owner;

receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company;

[1] monitoring the owner to determine the latest contact information;

using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent; [2] and

sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Langhans	US 5,621,201	Apr. 15, 1997
Rhoads	US 5,748,783	May 5, 1998
Ronen	US 5,845,267	Dec. 1, 1998
Joao	US 6,529,725	Mar. 4, 2003
Jonströmer	WO 96/32700	Oct. 17, 1996

The following rejections are before us for review.

1. Claim 53 is rejected under 35 U.S.C. § 112, First Paragraph, written description requirement as new matter.
2. Claim 54 is rejected under 35 U.S.C. § 112, Second Paragraph, as indefinite.
3. Claims 18, 20-28, 30-33, 36, 37, and 56 are rejected under 35 U.S.C. § 103(a) as unpatentable over Joao and Jonströmer.
4. Claims 42, 43, 45, 46, and 51-54 are rejected under 35 U.S.C. § 102(b) over Langhans.
5. Claims 19, 39, 40, and 57 are rejected under 35 U.S.C. § 103(a) as unpatentable over Joao, Jonströmer, and Ronen.
6. Claim 34 is rejected under 35 U.S.C. § 103(a) as unpatentable over Joao, Jonströmer, and Rhoads.
7. Claim 35 is rejected under 35 U.S.C. § 103(a) as unpatentable over Joao, Jonströmer, and Langhans.

8. Claim 38 is rejected under 35 U.S.C. § 103(a) as unpatentable over Joao, Jonströmer, and Official Notice.
9. Claims 41 and 55 are rejected under 35 U.S.C. § 103(a) as unpatentable over Langhans and Joao.
10. Claim 44 is rejected under 35 U.S.C. § 103(a) as unpatentable over Langhans and Ronen.
11. Claim 47 is rejected under 35 U.S.C. § 103(a) as unpatentable over Langhans and Jonströmer.
12. Claim 48 is rejected under 35 U.S.C. § 103(a) as unpatentable over Langhans and Rhoads.

THE ISSUES

With regards to the rejections made under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) the issue turns on whether the cited prior art references used in each respective rejection disclose the argued claim limitations.

FINDINGS OF FACT

We find the following enumerated findings of fact (FF) are supported at least by a preponderance of the evidence.¹ Additional facts may appear in the Analysis section below.

FF1. Joao has disclosed a transaction security apparatus (Title).

FF2. Joao discloses that the personal communication services include portable and handheld devices and provides for electronic signals and wireless communications. (Col. 10:15-24).

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

FF3. Joao discloses providing self-monitoring functions and automatic control and/or responses to occurrences to a user. A monitoring device detects an occurrence which may warrant providing notice to a card holder, cellular telephone owner, or authorized individual. The signal utilized can include the telephone, pager, electronic mail, or fax transmissions. (Col. 10:30-52).

FF4. Joao discloses that the central processing computer may transmit signals to the card holder's personal computer or network computer. (Col. 6:15-22)

FF5. Joao discloses that it is possible to provide various personal identification numbers and/or access codes for different locations, different automated teller machines, different days, different times and/or different transaction amounts. (Col. 42:56-62).

FF6. Jonströmer discloses a financial transaction system utilizing a PIN (pg. 8).

FF7. Langhans discloses that when a credit card account exceeds a pre-defined limit of transaction activity with a fixed period of time the bank may decline or refer an authorization request. (Col. 11:24-32).

FF8. Langhans discloses that when a user uses a credit card that the system approving the credit card transactions applies tests before allowing or denying the transaction (Col. 2:59-3:13).

FF9. Ronen discloses a billing method for financial transactions over the Internet (Col. 2:26-34).

FF10. Ronen discloses storing the IP address of a merchant system, but does not disclose monitoring that address or comparing it to a request received from the merchant. (Col. 3:55-60).

FF11. Joao discloses a “method by which to monitor the number of cellular or mobile telephone transactions which are unauthorized by the cellular or mobile telephone owner and to determine whether or not a central processing computer should cancel or de-activate the cellular telephone and/or the account” but does not disclose seeking authorization before completing each transaction (Col. 9:58-53).

ANALYSIS

Claims 53 and 54

No argument was presented by the Appellant as to the two rejections made under 35 U.S.C. § 112 for claims 53 and 54, as noted by the Examiner (Ans. 13). The Appellant also provided no response in the Reply Brief to this finding. We therefore summarily affirm these two rejections.

Claim 18

Appellant argues that Joao does not disclose the monitoring and using steps of the claim because Joao’s does not disclose claim limitation [1] (Appeal Br. 9-10, Reply Br. 6-9).

In contrast, the Examiner has determined that the rejection of record is proper (Ans. 6-7, 13-16).

We agree with the Examiner. Here, Joao discloses providing self-monitoring functions and automatic control and/or responses to occurrences to a user. A monitoring device detects an occurrence which may warrant providing notice to card holder, cellular telephone owner, or authorized individual. The signal utilized can include the telephone, pager, electronic mail, or fax transmissions (FF3). Thus, Joao discloses the claimed

“monitoring” functions by keeping track of contact information on file which is used to contact the user. Regardless, the function of keeping track of the latest contact information of the user would be an obvious modification to keep up to date contact information for the electronic communications. For these above reasons the rejection of claim 18, and claims 19-28 and 31-35 which were not separately argued, is sustained.

Claim 30

Dependent claim 30 requires “wherein the latest contact information is an Internet address where the owner is conducting the transaction.”

Appellant argues neither Joao nor Jonströmer discuss Internet addresses (Appeal Br. 10, Reply Br. 8-9).

In contrast, the Examiner argues Joao discloses communicating with a cardholder at a personal or network computer and that these require some form of Internet address in order to communicate to them (Ans. 17).

We agree with the Examiner for the reasons set forth by the Examiner since we find that Joao discloses communicating with a personal or network computer for the authorization (FF4) and this would require some form of Internet address. For these reasons the rejection of claim 30 is sustained.

Claim 36

Independent claim 36 requires “providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site.”

Appellant argues there is no discussion in Joao or Jonströmer “about correlating the step of ‘providing a PIN’ with establishing ‘a different

contact information to the remote site” (Appeal Br. 11-12, Reply Br. 10-11).

The Examiner argues Joao discloses the limitation with “various personal identification numbers and/or access codes for different locations, different automated teller machines, different days, different times and/or different transaction amounts.” (Ans. 18).

We agree with the Examiner. We find Joao discloses providing a PIN for a particular machine at a particular location (FF7) that is therefore “unique to the owner from a remote site,” and find that this establishes an authenticated communication session with that user at that site. This meets the claim requirement because this authenticated session with the specific PIN is a form of “contact information” that is different from contact information at other sites. For these reasons, we sustain the rejection of claim 36.

Claim 37

Dependent claim 37 requires “wherein the remote site is away from the owner's home.”

Appellant argues that the references do not disclose this cited limitation (Appeal Br. 13-14, Reply Br. 11-12).

We are not persuaded by Appellant’s argument, because we find Joao discloses use of the PIN at particular locations (FF5) and find these locations would be “away from the owner’s home” at least because ATM machines are not in homes. We therefore sustain the rejection of claim 37.

Claim 38

Dependent claim 38 require “wherein the different contact information is only established for a predetermined amount of time.”

Appellant argues that changing PIN’s does not disclose this limitation (Appeal Br. 14-15, Reply Br. 12-13).

We sustain this rejection, because we find Joao’s disclosure of various PINs for “different days, different times” (FF5) meets the cited claim requirement.

Claims 39 and 40

Independent claim 39 requires “monitoring the latest Internet address where the authorized entity is visiting through the Internet” and “comparing the latest Internet address with the corresponding Internet address from the Online business.”

Appellant argues Ronen merely describes an identifier of the user’s terminal, not the address of the online business (Appeal Br. 17-19).

The Examiner argues that Ronen discloses storing the IP addresses of the online business and user’s terminal, associating them with a Connection ID, and then translating the “Connection ID to a corresponding IP address which, in turn, is translated into a user’s ID from which the user’s account is accessed at the Billing Platform.” (Ans. 25-26).

We agree with Appellant for the following reasons. We find that Roman does not disclose monitoring the IP address of an online site a user has connected to and comparing that to the IP address of an online site in a request received from that online site (FF10). Therefore, the rejection of claim 39 and dependent claim 40 is not sustained.

Claim 41

Independent claim 41 requires “providing a predetermined purchase order information” “receiving a request ... with an actual purchase order information” and “comparing the predetermined purchase order information with the actual purchase order information.”

Appellant argues Langhans does not disclose purchase orders except subsequent to the time of actual purchase (Appeal Br. 22).

In contrast, the Examiner argues the comparison of vendor data on a vendor list with data transmitted by the merchant leads to an approval if there is a match, meeting the cited claim requirement (Ans. 30).

We agree with the Examiner. The “predetermined purchase order information” as argued for in the claim in non-functional descriptive material but regardless the term is broad enough to encompass predetermined limits of transaction activity. Langhans discloses that when a credit card account exceeds a pre-defined limit of transaction activity with a fixed period of time the bank may decline or refer an authorization request. (FF7). For these reasons we sustain the rejection of claim 41.

Claim 42

Independent claim 42 requires “sending electronically an authorization request from an authorization agent to the non-user of the card, wherein the authorization agent is a bank that issued the card to the non-user, a credit card company, or an agent of the bank or the credit card company” then approving or denying the transaction based on the non-user’s response.

Appellant argues Langhans does not disclose such action by a non-user (Appeal Br. 23, Reply Br. 20).

In contrast, the Examiner argues Langhans meets the claim requirement by transmitting a request by the credit card authorization system to a purchasing control computer that will approve or deny the transaction (Ans. 32).

We agree with the Examiner. Langhans has disclosed that when a user uses a credit card that the system approving the credit card transactions applies tests before allowing or denying the transaction (FF7) which meets the argued claim limitation.

Therefore, we sustain the rejection of claim 42 and dependent claims 43-55 which are not separately argued.

Claim 56

Independent claim 56 requires sending a request by an agent to “each of the parties involved in the transaction” seeking approval of “all of the parties to the transaction.”

Appellant argues Joao and Jonströmer do not contact each of the parties because they only describe contacting a single cardholder (Appeal Br. 16).

The Examiner, in contrast, argues Joao at Cols. 9:26-28, 9:58-63, and 29:29-35, discloses monitoring cellular telephone transactions to determine whether a cellular telephone should be canceled or deactivated (Ans. 22-23).

We agree with Appellant. Joao at the cited portions does not disclose the claimed approval of a transaction “if all of the parties to the transaction approve of the authorization request” as claimed. We therefore do not

sustain the rejection of claim 56 or dependent claim 57, which is not separately argued.

CONCLUSIONS OF LAW

We conclude that Appellant has shown the Examiner erred in rejecting: claims 39, 40, 56, and 57 under 35 U.S.C. § 103(a).

We conclude the Appellant has not shown the Examiner erred in rejecting: claims 53 and 54 under 35 U.S.C. § 112; claims 18-28, 30-38, 41, 44, 47-48, and 55 under 35 U.S.C. § 103(a); and claims 42-43, 45-46, and 51-54 under 35 U.S.C. § 102(b).

DECISION

For the above reasons, the Examiner's rejection of claims 18-28, 30-38, and 41-48, and 51-55 is AFFIRMED. The Examiner's rejection of claims 39, 40, 56, and 57 is REVERSED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

MP